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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,645	04/15/2004	Chad Vos	1160215.0531069	8422
26874 7590 02/05/2009 FROST BROWN TODD, LLC 2200 PNC CENTER 201 E. FIFTH STREET CINCINNATI, OH 45202				
EXAMINER HASHEM, LISA				
ART UNIT 2614		PAPER NUMBER		
NOTIFICATION DATE 02/05/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@fbtlaw.com

Office Action Summary

Application No.

10/825,645

Applicant(s)

VOS ET AL.

Examiner

LISA HASHEM

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-18 and 20-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-18, 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Reopening of Prosecution

1. In view of the Pre-Appeal Brief request filed on 10-13-2008, PROSECUTION IS HEREBY REOPENED because Applicant's arguments are persuasive. A new action is set forth below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2, 13, 17, 22, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter '...a combination thereof...' which applicant regards as the invention. It is unclear what the limitation '...a combination thereof...' refers to in all the claims. This limitation is not recited in the specification of the instant application. Appropriate action is required.

4. Claim 22 recites the limitations "the business process" and "the handling". There is insufficient antecedent basis for these limitations in the claim.

5. Claim 24 recites the limitation "the handling". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-13, 16-18, and 20-24 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. No. 7,027,586 by Bushey et al, hereinafter Bushey.

Regarding claim 1, Bushey discloses a system (Figures 1 and 2; col. 5, line 43 – col. 7, line 16) for processing user inquiries (i.e. customer requests or services) (col. 7, lines 17-36), the system comprising:

a global knowledge database (i.e. agent data processor and interfaces; Fig. 2: 240, 250) including a plurality of categorized responses (i.e. communications modalities; attributes of an agent; various modes for transmitting and storing information including: voice, instant messaging sessions, email) (col. 5, lines 4-37) corresponding to a plurality of user inquiries (i.e. customer request for service; requested or identified communications modality) wherein each categorized response comprises at least one identifier (i.e. agent model; col. 5, lines 38-42) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53);

a first response system (i.e. human agent; Fig. 1: 171, 172, 173) in communication with the global knowledge database (Fig. 2: 240, 250) (col. 8, line 58 – col. 9, line 3), the first response system configured to provide a first categorized response (i.e. voice, instant messaging sessions,

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email) included in the global knowledge database to a first user inquiry (i.e. customer request for service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41), the first response system being of a first type of response system (col. 6, lines 43-53; col. 10, lines 40-46);

a second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) in communication with the global knowledge database (Fig. 2: 240, 250) (col. 8, line 58 – col. 9, line 3), the second response system configured to provide a second categorized response (i.e. communications modalities; attributes of an agent; various modes for transmitting and storing information including: DTMF modality, speech recognition) included in the global knowledge database to a second user inquiry (i.e. customer request for service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41), the second response system being of a second type of response system (col. 6, lines 29-41 and lines 54-61; col. 10, lines 40-46);

an analysis database (i.e. match processor; Fig. 2, 270) configured to store and analyze first data (i.e. match scores) relating to the categorized responses provided by the first response system and the second response system, and second data (i.e. retrieved agent models) relating to the identifiers of the first response and the second response (col. 9, lines 33-41); and

a report generator (i.e. routing processor; Fig. 2, 280) configured to generate an interactive report (i.e. a list of best matched agents) using the data stored in the analysis database, wherein the report comprises a plurality of categories, wherein each category corresponds to a response system (i.e. agent), a categorized response (i.e. modality), an identifier of a categorized response (i.e. agent models), or a combination thereof (col. 9, line 42 – col. 10, line 11).

Regarding claim 2, the system of claim 1, wherein Bushey discloses the identifiers are selected from the group consisting of response identifiers, system identifiers (i.e. agent models), customer identifiers, inquiry identifiers, time identifiers, activity identifiers, status identifiers, model identifiers, vendor identifiers, outcome identifiers, and a combination thereof (col. 8, line 58 – col. 9, line 55).

Regarding claim 3, the system of claim 1, wherein Bushey discloses the first response system comprises a live-agent response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 43-53; col. 9, lines 4-20; col. 11, lines 26-41).

Regarding claim 4, the system of claim 1, wherein Bushey discloses the second response system comprises an automated response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) operable to communicate with the knowledge database independent of the first response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 29-41 and lines 54-61; col. 9, lines 4-20; col. 11, lines 26-41).

Regarding claim 5, the system of claim 1, wherein Bushey further comprising: a user information database (i.e. database; internal resources) configured to store user information; wherein the first response system is configured to retrieve information from the user information database in responding to the first user inquiry (col. 6, line 62 – col. 7, line 16).

Regarding claim 6, the system of claim 1, wherein Bushey discloses the first response system (i.e. human agent; Fig. 1: 171, 172, 173) and the second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) are distributed (col. 6, lines 29-61).

Regarding claim 7, the system of claim 1, wherein Bushey discloses the first response system (i.e. human agent; Fig. 1: 171, 172, 173) and the second response system (i.e. interactive

voice response unit or automated agent; Fig. 1: 160, 161) are integrated (col. 6, line 62 – col. 7, line 10; col. 8, line 58 – col. 9, line 3).

Regarding claim 8, the system of claim 1, wherein Bushey discloses the global knowledge database further comprises a plurality of templates (i.e. information related to products and services) for responding to inquiries from users (col. 6, line 62 – col. 7, line 10; col. 10, line 23-40).

Regarding claim 9, the system of claim 1, wherein Bushey discloses the first response system (i.e. human agent; Fig. 1: 171, 172, 173) is configured to use a first of the plurality of templates (i.e. information related to products and services) to respond to the first user inquiry and wherein the second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) is configured to use the first of the plurality of templates (i.e. information related to products and services) to respond to the second user inquiry (col. 6, line 62 – col. 7, line 10; col. 10, line 23-40).

Regarding claim 10, the system of claim 9, wherein Bushey discloses the first system comprises a live agent response system (i.e. human agent; Fig. 1: 171, 172, 173) and the second response system comprises an automated response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) (col. 6, lines 29-61).

Regarding claim 11, the system of claim 1, wherein Bushey further comprising an analysis engine (i.e. agent data processor; Fig. 2, 250), wherein the analysis engine is configured to determine the number of times a categorized response is generated by the first response system (col. 9, lines 4-60; col. 11, lines 5-41).

Regarding claim 12, the system of claim 1, wherein Bushey further comprising an analysis engine (i.e. agent data processor; Fig. 2, 250), wherein the analysis engine is configured to update the analysis database (i.e. match processor; Fig. 2, 270) when a categorized response is generated by the first response system (col. 9, lines 4-60; col. 11, lines 5-41).

Regarding claim 13, Bushey discloses a method for managing user inquiries (i.e. customer requests or services) (col. 7, lines 17-36), the method comprising: receiving an inquiry from a user (i.e. customer request for service; requested or identified communications modality) (col. 7, lines 17-36); retrieving a categorized response (i.e. communications modalities; attributes of an agent; various modes for transmitting and storing information including: voice, instant messaging sessions, email) (col. 5, lines 4-37) to the user inquiry from a global knowledge system (i.e. agent data processor and interfaces; Fig. 2; 240, 250) wherein each categorized response comprises at least one identifier (i.e. agent model; col. 5, lines 38-42) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53); providing the categorized response to the user with a response system (i.e. human agent; Fig. 1: 171, 172, 173; interactive voice response unit or automated agent; Fig. 1: 160, 161) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53); storing an identifier of the categorized response (i.e. match scores) in an analysis database (i.e. match processor; Fig. 2, 270); storing an identifier of the response system (i.e. retrieved agent models) in the analysis database (col. 9, lines 33-41); and generating a report (i.e. a list of best matched agents) using the identifiers stored in the analysis database (col. 9, line 42 – col. 10, line 11); wherein said report

comprises an illustration (i.e. a list of best matched agents) of categorized responses organized into a plurality of categories corresponding to a categorized response (i.e. modality), an identifier (i.e. agent models), a response system (i.e. agent), or a combination thereof, wherein the plurality of categories are proportionally sized (col. 9, line 42 – col. 10, line 11), and wherein selection of a category from said plurality of categories causes a display of linked additional data (i.e. additional agents may be added to the list and allowed to service the customer while a selection is pending) (col. 9, line 42 – col. 10, line 11).

Regarding claim 16, the method of claim 13, wherein Bushey discloses further comprising using the generated report wherein using the report comprises indicating when a retrieved categorized response does not satisfactorily address the inquiry from the user (col. 9, line 42 – col. 10, line 11).

Regarding claim 17, Bushey discloses a system (Figures 1 and 2; col. 5, line 43 – col. 7, line 16) for processing user inquiries (i.e. customer requests or services) (col. 7, lines 17-36), the system comprising:

a first response system (i.e. human agent; Fig. 1: 171, 172, 173) configured to provide a first categorized response (i.e. voice, instant messaging sessions, email) to a first user inquiry (i.e. customer request for service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41),

wherein the first categorized response comprises at least one identifier (i.e. agent model; col. 5, lines 38-42) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53), the first response system being a first type of response system (col. 6, lines 43-53; col. 10, lines 40-46); a second response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160,

161) configured to provide a second categorized response (i.e. communications modalities; attributes of an agent; various modes for transmitting and storing information including: DTMF modality, speech recognition) to a second user inquiry (i.e. customer request for service; requested communications modality) (col. 9, lines 4-20; col. 11, lines 26-41) independent of the first response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 29-41 and lines 54-61; col. 9, lines 4-20; col. 11, lines 26-41), wherein the second categorized response comprises at least one identifier (i.e. agent model; col. 5, lines 38-42) (col. 8, line 67 – col. 9, line 32; col. 11, lines 5-19; col. 12, lines 47-53), the second response system being a second type of response system (col. 6, lines 29-41 and lines 54-61; col. 10, lines 40-46); a global knowledge database (i.e. agent data processor and interfaces; Fig. 2: 240, 250) configured to communicate with the first response system and the second response system (col. 8, line 58 – col. 9, line 3); an analysis database (i.e. match processor; Fig. 2, 270) configured to store and analyze data (i.e. match scores; retrieved agent models) related to the categorized responses (i.e. modalities), the response systems (i.e. agents), the identifiers (i.e. agent models), or a combination thereof (col. 9, lines 33-41); and a report generator (i.e. routing processor; Fig. 2, 280) configured to generate a report (i.e. a list of best matched agents) based on the data analyzed by the analysis database, wherein the report comprises at least one recommendation (i.e. best match) regarding at least one response system (i.e. agent) (col. 9, line 42 – col. 10, line 11).

Regarding claim 18, the system of claim 17, wherein Bushey discloses the second response system comprises an automated response system (i.e. interactive voice response unit or automated agent; Fig. 1: 160, 161) operable to communicate with the global knowledge database independent of the first response system, and wherein the first response system comprises a live agent response system (i.e. human agent; Fig. 1: 171, 172, 173) (col. 6, lines 29-41 and lines 54-61; col. 9, lines 4-20; col. 11, lines 26-41).

Regarding claim 20, the system of claim 17, wherein Bushey discloses said report further comprises that the selection of a recommendation (i.e. best match) causes a display of linked additional data (i.e. additional agents may be added to the list and allowed to service the customer while the selection is pending) (col. 9, line 42 – col. 10, line 11).

Regarding claim 21, the method of claim 13, where Bushey discloses the report further comprises at least one recommendation (i.e. best match) regarding at least one response system (i.e. agent) (col. 9, line 42 – col. 10, line 11).

Regarding claim 22, the method of claim 21, where Bushey discloses the at least one recommendation is selected from the group consisting of change the business process, change a specified response system (i.e. route to another agent based on time), send this type of transaction to a specified response system (i.e. route to an agent with the best match value), enhance the handling of a customer contact, automate the response to the customer, do not change the business process, and a combination thereof (col. 9, line 42 – col. 10, line 11).

Regarding claim 23, the system of claim 17, wherein Bushey discloses the report comprises an overlaid contact graph (i.e. a list with best matched agents) comprising a plurality of shapes (i.e. pointer, entry), wherein each shape comprises dimensions corresponding to the

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data (i.e. agents, agent models, modalities) stored in the analysis database (col. 9, line 42 – col. 10, line 11; Fig. 5; col. 12, lines 13-46).

Regarding claim 24, the system of claim 17, where Bushey discloses the at least one recommendation is selected from the group consisting of change a business process, change a specified response system (i.e. route to another agent based on time), send this type of transaction to a specified response system (i.e. route to an agent with the best match value), enhance the handling of a customer contact, automate the response to the customer, do not change the business process, and a combination thereof (col. 9, line 42 – col. 10, line 11).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.
9. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LISA HASHEM whose telephone number is (571)272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Lisa Hashem/
Examiner, Art Unit 2614
February 1, 2009